

1 TUCKER ELLIS LLP
 2 Howard A Kroll - SBN 100981
 3 howard.kroll@tuckerellis.com
 4 515 South Flower Street
 5 Forty-Second Floor
 6 Los Angeles, CA 90071-2223
 7 Telephone: 213.430.3400
 8 Facsimile: 213.430.3409

9 Attorneys for Plaintiff
 10 VERRAGIO, LTD

11 **UNITED STATES DISTRICT COURT**
 12 **CENTRAL DISTRICT OF CALIFORNIA**

13 VERRAGIO, LTD

14 Plaintiff,

15 v.

16 KIEU HANH JEWELRY,

17 Defendant.

Case No. 8:15-cv-0688 CJC (DFMx)

**DECLARATION OF BARRY
 NISGURETSKY IN SUPPORT OF
 PLAINTIFF'S APPLICATION FOR
 DEFAULT JUDGMENT BY COURT**

DATE: July 13, 2015
TIME: 1:30 p.m.
CTRM: 9B

Hon. Cormac J. Carney

18
 19
 20 I, Barry Nisguretsky, declare as follows:

21 1. I am the owner of Verragio, Ltd. ("Verragio"), the plaintiff in the matter
 22 captioned above. I make this declaration of my personal knowledge, and if called on as a
 23 witness could testify competently to each of the following facts.

24 2. For over 20 years, I have designed my own jewelry and created exclusive
 25 collections from only top quality material. Among my jewelry designs is Insignia-7003.
 26 I designed Insignia-7003 in mid-2008. In that same year, I protected Insignia-7003 by
 27 obtaining a federal copyright registration from the United States Copyright Office. I am
 28 thus the owner of Copyright Registration No. VAu 996-688. A copy of the registration

DECLARATION OF BARRY NISGURETSKY IN SUPPORT OF PLAINTIFF'S APPLICATION FOR DEFAULT
 JUDGMENT BY COURT

1 certificate for Insignia-7003, Copyright Registration No. VAu 996-688, and the deposit
2 copy of Insignia-7003 are attached to this Declaration as Exhibit A. Another view of
3 Insignia-7003 is attached to this declaration as Exhibit B.

4 3. I have exclusively licensed all of my copyrighted jewelry designs, including
5 Insignia-7003, to Verragio. Since its creation, Insignia-7003 has been manufactured by
6 Verragio, or under its authority.

7 4. On January 29, 2015, Defendant Kieu Hanh Jewelry ("Kieu Hanh") sold the
8 following ring: Romance Halo Semi-Mount setting in 14k gold; size 5 ½. The product
9 code for this ring is 117490-100 ("Infringing 117490-100 Ring"). A picture identical to
10 the Infringing 117490-100 Ring, but with a center diamond included, is attached to this
11 Declaration as Exhibit C. The Invoice number for the January 29, 2015 purchase is
12 17209. A copy of the 17209 invoice is attached to this declaration as Exhibit D.

13 5. Kieu Hanh operates a jewelry business in direct competition with retailers
14 that purchase jewelry from Verragio, and actively solicits and seeks as customers, the
15 same customers as those retailers that purchase jewelry from Verragio.

16 6. At one time Kieu Hanh was also an authorized Verragio retailer and thus is
17 actually aware of Verragio and its licensed copyrighted jewelry designs.

18 7. Kieu Hanh has not contacted Verragio at any time during the pendency of
19 this Action, and Verragio has had no opportunity to inspect any evidence Kieu Hanh may
20 possess.

21 I declare under penalty of perjury under the laws of the United States of America
22 that the foregoing is true and correct.

23 Executed at New York, New York, this 30th day of June, 2015.

24
25
26
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28



Barry Nisguretsky

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number:

VAu 996-688

Effective date of
registration:

June 9, 2008

Title _____

Title of Work: INS-7003

Nature of Work: Jewelry Design

Completion/ Publication _____

Year of Completion: 2008

Author _____

■ Author: Barry Nisguretsky

Author Created: Jewelry design

Work made for hire: No

Citizen of: United States

Year Born: 1966

Anonymous: No

Pseudonymous: No

Copyright claimant _____

Copyright Claimant: Barry Nisguretsky

c/o Verragio, 132 W. 36th St, 8th Floor, New York, NY 10018

Limitation of copyright claim _____

Previously registered: No

Certification _____

Name: Barry Nisguretsky

Date: June 12, 2008

EXHIBIT A
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EXHIBIT B



EXHIBIT C



EXHIBIT D

CLAIM CHECK

NAME [REDACTED]
ADDRESS [REDACTED] 17209
CITY [REDACTED] PHONE [REDACTED]
ARTICLE [REDACTED] DATE RECEIVED 1-29-15
DATE PROMISED [REDACTED]
INSTRUCTIONS: 14kt wk. to gold

Please order Romance Halo Semi-Mount setting in 14k gold, size 5 1/2
Product code: 117496-100

THIS STORE IS NOT RESPONSIBLE FOR ARTICLES LEFT OVER 60 DAYS.
NO ARTICLES CAN BE PICKED UP WITHOUT THIS RECEIPT.

| | | | |
|----------------|------|---------------|--------|
| DATE PICKED UP | Cash | TOTAL CHARGES | 1300.- |
| | | DEPOSIT | 260.- |
| | | BALANCE | 1040.- |

[REDACTED]

Rien Hark Jewelry
The Diamond Store
9131 Bolsa Avenue #203
Westminster, CA 92683
(714) 891-0224

CERTIFICATE OF SERVICE

I certify that on July 1, 2015, a true and correct copy of the foregoing was filed with the Court and served electronically. The Notice of Electronic Case Filing automatically generated by the system and sent to all parties entitled to service under the Federal Rules of Civil Procedure and the Local Rules of the Central District of California who have consented to electronic service shall constitute service of the filed document to all such parties.

I further certify that the following party was served by U.S. Mail:

Kieu Hanh Jewelry
9131 Bolsa Avenue, Suite 203
Westminster, CA 92683

I declare that I am employed by a member of the bar of this Court, at whose direction this service was made.

Executed on July 1, 2015 at Los Angeles, California.

/s/Susan Lovelace